

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
DOCKET NO. 5:20-CV-00143-FDW

TERRI GLENN,)
)
Plaintiff,)
)
vs.) AMENDED ORDER
)
KILOLO KIJAKAZI, *Acting Commissioner*)
*of Social Security,*¹)
)
Defendant.)
)

THIS MATTER IS BEFORE THE COURT on Plaintiff's Consent Motion for Fees Pursuant to the Equal Access to Justice Act 28 U.S.C. § 2412(d)(1)(A) and Costs filed on November 4, 2021 (Doc. No. 18). Having reviewed the motion, supporting materials, memorandum in support, and the case file, the Court determines that Plaintiff should be awarded an attorney's fee under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), in the amount of \$6,800.00.

IT IS ORDERED that Plaintiff's Motion for Fees Under the Equal Access to Justice Act 28 U.S.C. § 2412(d)(1)(A) (Doc. No. 18) is **GRANTED**, to the extent that the Court will award attorney fees in the amount of \$6,800.00, and that pursuant to Comm'r of Soc. Sec. v. Ratliff, 560 U.S. 586 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. The Commissioner will determine whether Plaintiff owes a debt to the United

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

States. If so, the debt will be satisfied first, and if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff's counsel. If the United States Department of the Treasury reports to the Commissioner that the Plaintiff does not owe a federal debt, the government will exercise its discretion and honor an assignment of EAJA fees and pay the awarded fees directly to Plaintiff's counsel. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

IT IS FURTHER ORDERED that Plaintiff shall be paid \$421.15 in costs from the Judgment Fund by the United States Department of the Treasury pursuant to 28 U.S.C. § 2412(a)(1).

IT IS FURTHER ORDERED that this Court's Order entered November 10, 2021 (Doc. No. 20) is vacated.

IT IS SO ORDERED.

Signed: November 16, 2021


Frank D. Whitney
United States District Judge